

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE:	)	CHAPTER 7
	)	
JOHN R. GARBER,	)	CASE NO. 22 B 12761
	)	
DEBTOR.	)	HON. A. BENJAMIN GOLDGAR

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on **August 21, 2023, at 9:30 a.m.**, I will appear before the Honorable A. Benjamin Goldgar, or any judge sitting in that judge's place, either in courtroom 642 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604, **or** electronically as described below, and present the motion of the United States Trustee to **Extend Time to File Objection to Discharge Under 727 and Extend Time to Dismiss**, a copy of which is attached.

**Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.**

**To appear by Zoom using the internet**, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

**To appear by Zoom using a telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

**Meeting ID and passcode.** The meeting ID for this hearing is 161 500 0972, and the passcode is 726993. The meeting ID and passcode can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

/s/ Suhey Ramirez  
Suhey Ramirez, Attorney  
OFFICE OF THE U.S. TRUSTEE  
219 South Dearborn Street, Room 873  
Chicago, Illinois 60604  
(312) 353-5014

**CERTIFICATE OF SERVICE**

I, Suhey Ramirez, an attorney, certify that I served a copy of this notice, the attached motion and proposed order, on each entity shown on the service list at the address shown and by the method indicated on August 9, 2023.

/s/ Suhey Ramirez

**SERVICE LIST**

**Registrants Served Through the Court's Electronic Notice for Registrants:**

Paul M. Bauch:	pbauch@bmlawllc.com, smohan@bmlawllc.com; 5242@notices.nextchapterbk.com
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**Parties Served via First Class Mail:**

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JOHN R. GARBER,	)	CASE NO. 22 B 12761
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**MOTION TO EXTEND TIME TO FILE OBJECTION TO  
DISCHARGE UNDER 727 AND EXTEND TIME TO DISMISS**

NOW COMES PATRICK S. LAYNG, the United States Trustee for the Northern District of Illinois, by his attorney, Suhey Ramirez, and pursuant to 11 U.S.C. § 727(c)(1) and Fed. R. Bankr. P. 4004(b), hereby requests this Court to grant an extension of time to object to the discharge of John R. Garber (the “Debtor”), and to file a motion to dismiss the Debtor’s case for abuse pursuant to 11 U.S.C. § 707(b) and Fed. R. Bankr. P. 1017(e)(1). In support of this request, the United States Trustee states as follows:

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. § 1334. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.
2. This is a core proceeding concerning the administration of this estate pursuant to 28 U.S.C. § 157(b)(2)(A) which this Court may hear and determine pursuant to IOP 15(a) and Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois.
3. On November 2, 2022 (the “Petition Date”), the Debtor filed his voluntary petition for relief under Chapter 7 of the Bankruptcy Code. On or about that same date, Reed Heiligman was appointed Chapter 7 Trustee in the Debtor’s case (the “Chapter 7 Trustee”).
4. The 341 meeting of creditors (“341 Meeting”) was initially set for December 12, 2022. The Chapter 7 Trustee continued the 341 Meeting to January 11, January 26, February 23,

March 23, April 21, May 15, 2023, and again to June 29, 2023. On July 6, 2023, the Chapter 7 Trustee entered a Report of No Distribution.

5. The Debtor has indicated his debts are primarily consumer debts.

6. On Schedule I, the Debtor indicated that he and his non-filing spouse (“Spouse”) are unemployed. Furthermore, the Debtor indicated that he has no income and that his Spouse’s only income is “gifted” to her in the amount of \$10,000 per month.

7. The Statement of Financial Affairs (“SOFA”), question four, reflects the Debtor had \$38,583 in wages in 2021. No income was disclosed for 2020 and 2022. Question five reflects the Debtor made \$31,794.00 in unemployment wages and \$16,896.00 working with Chatham Advisors, LLC, in 2021. No income was disclosed for 2020 and 2022.

8. On Schedule E/F, the Debtor scheduled \$2,778,858.03 of unsecured debt, consisting of numerous accounts with unknown amounts.

9. On Schedule A/B, the Debtor indicated an ownership interest in personal property valued at \$14,018.95 and real estate valued at \$1,500,000. However, on Schedule D, the Debtor indicated secured debt in the amount of \$2,629,396, all of which appears to be related to the real estate where the Debtor resides.

10. On June 26, 2023, the U.S. Trustee issued a subpoena on the Debtor and his non-filing spouse to produce certain financial documents by July 26, 2023. On July 26, 2023, the U.S. Trustee received numerous emails containing numerous documents and the U.S. Trustee is in the process of inventorying and reviewing the documents that were provided.

11. The last date for the U.S. Trustee to object to Debtor’s discharge or to file a motion to dismiss her case under § 707 is August 9, 2023.

12. Based on the above, the U.S. Trustee requests additional time to receive Debtor's outstanding document production and thereafter complete his investigation into the facts and circumstances of this case in order to determine whether cause exists to file an objection to Debtor's discharge pursuant to Section 727(a) or move to dismiss Debtor's case under Section 707.

WHEREFORE, the United States Trustee requests that this Court extend the date to object to the Debtor's discharge pursuant to 11 U.S.C. § 727(a) and to file a motion to dismiss the Debtor's case under § 707(b) through and including November 6, 2023, and for such other relief as this Court deems just.

RESPECTFULLY SUBMITTED:

PATRICK S. LAYNG  
UNITED STATES TRUSTEE

Dated: August 9, 2023

By: /s/ Suhey Ramirez  
Suhey Ramirez, Attorney  
OFFICE OF THE U.S. TRUSTEE  
219 South Dearborn Street, Room 873  
Chicago, Illinois 60604  
(312) 353-5014